

Attorney's Reference Number: 1192-012/ddh

2. Remarks

Each of the independent claims (1, 9 and 14) is rejected as anticipated by USP 4,184,657 to Jardine. Applicant has amended claim 1 to better define the invention, but otherwise respectfully traverses the rejections.

In stating that the Jardine patent (a) teaches visible displacement (sic: placement) indicia, and (b) discloses stepped gripping members that are capable of correlating the quality of cam placement in a rock, the Examiner misconstrues the Jardine patent and what it discloses, and the purpose and function of the visible placement indicia as claimed herein. Fundamentally, Jardine lacks any structure that is capable of providing an indication of cam placement quality.

The Examiner argues that Jardine's stepped gripping surfaces teach visible placement indicia. Applicant disagrees. The grooved outer surfaces used on the Jardine cams are a standard structural feature used on almost all cams in order to provide a greater frictional grip between the cam and the rock. These grooves are not in any sense of the terms "visible placement indicia." As detailed in the specification and as used in the claims, the claimed visible placement indicia are placed on the cams in order to provide a visually identifiable system that correlates to a recommended placement in a rock crack (see, e.g., page 7, last paragraph). The indicia are intended to give the climber a simple manner in which to visually assess the quality of cam placement, so that the climber may easily visual verify and confirm that the selected cam device 10 is of the correct size for a given rock crack, and that the cam device is correctly placed.

For these reasons, Jardine's stepped gripping surfaces are incapable of meeting the limitation recited in the claims of "visible placement indicia."

Even more striking is the inability of Jardine's gripping members to correlate in any manner to the quality of cam placement in a rock. The Examiner argues that Jardine's gripping surfaces are visible from the side surface. That is true enough, but no matter what the position of the cams relative to the rock surfaces, there is nothing on the Jardine cam that in any way provides an indication of the quality of the placement in the rock. The "quality" of cam placement is described throughout the specification of the present invention; in a nutshell, the quality of the cam

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placement relates to the appropriateness of a specific cam for use in a specific crack. The ability of the claimed visible placement indicia to correlate to cam placement quality allows the climber to quickly assess whether the selected cam is of an appropriate size.

With Jardine, there are no structures or indicia that correlate to the quality of the placement. The Examiner argues that Jardine's gripping surfaces are "capable of correlating the quality of cam placement." Applicant disagrees. Insofar as the appearance of the gripping surfaces of the Jardine cams, there is no difference whatsoever between a cam in a fully extended position (as in Jardine's Fig. 4), and a fully retracted cam placement. The climber using a Jardine cam must rely solely on experience and judgment. The claimed invention provides a visual verification system that supplements the climber's experience and judgment.

The following comments with regard to specific claims are made against this background:

Claim 1: This independent claim is amended to incorporate the limitation formerly found in claim 2, wherein the visible placement indicia correlates to the quality of cam placement. As noted above, Jardine is utterly incapable of such correlation because it lacks any structure or indicia that serves this purpose.

Claim 3: Jardine does not teach visible placement indicia, let alone such indicia on a side surface of a cam.

Claim 4: The Examiner argues that Jardine teaches a color-coded marking because the Jardine cam is at least one color. The words "color-coded" are defined at page 8, first paragraph, and requires different colors. Jardine does not teach different colors, and more fundamentally, even if Jardine could be argued to teach a color-coded marking, it could not include a correlation of the color to the quality of cam placement as required by this claim.

Claim 5: Jardine has no graduated scale markings of any kind, let alone such a marking system that correlates to the quality of cam placement.

Claim 6: see comments with respect to claims 4 and 5; above.

Claim 9: As with claim 1, Jardine's cams do not include any *indicia* capable of indicating cam placement quality. Even if the Examiner were correct in arguing that

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the gripping surfaces are equivalent to indicia as claimed (which Applicant does not believe is correct, as noted above), the gripping surfaces do not indicate placement quality.

Claim 10: Jardine has no graduated placement scale at all, let alone such a scale that extends from the fully open to the fully closed positions.

Claim 11: see comments with respect to claim 4, above

Claim 14: Jardine has no indicia that serve the function called out in this claim: providing a visual assessment of the quality of cam placement.

Claim 15: see comments with respect to claim 4, above.

Claim 16: see comments with respect to claim 10, above.

For the reasons noted, the claims pending in the case are allowable over the prior art. Allowance of the application is respectfully requested.

Respectfully submitted,



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